

AMENDED IN ASSEMBLY MAY 10, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2797**

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**Introduced by Committee on Elections and Redistricting (Fong (Chair), Adams (Vice Chair), Coto, Mendoza, Saldana, and Swanson)**

March 25, 2010

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An act to amend Sections 302, 2130, 15281, 19370, *19380*, and 19384 of, and to repeal Section 13007 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2797, as amended, Committee on Elections and Redistricting. Elections: voter registration and ballots.

(1) Existing law requires the Controller to allocate and disburse to counties, from moneys appropriated by the Legislature, amounts necessary to reimburse the counties for costs incurred in complying with voter registration provisions, as specified. Under existing law, counties are required to submit to the Controller claims for those amounts by October 31 in the year following the fiscal year in which the costs were incurred.

This bill would instead require counties to submit the claims to the Controller by February 15 in the year following the fiscal year in which the costs were incurred.

(2) Under existing law, there is a revolving fund, which is continuously appropriated, without regard to fiscal years, for the purpose of paying expenses incurred by the Secretary of State for the purchase of ballot paper and punchcards. Existing law requires the fund to be

reimbursed by the receipts from the jurisdiction obtaining the ballot paper or punchcards.

This bill would repeal this provision and make conforming changes.

(3) Existing law requires a precinct board to post, outside of each precinct and polling place, the results of the vote cast at that precinct or polling place for at least 48 hours after the polls are closed.

This bill would exempt from this requirement precincts or polling places where 10 or fewer voters cast their ballots on ~~machines that keep~~ *a machine that keeps* vote tallies and would instead require that the precinct board post only the total number of voters at that precinct or polling place.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 302 of the Elections Code is amended to  
2     read:  
3     302. “Ballot card” means a card or a number of cards upon  
4     which are printed, or identified by reference to the ballot, the names  
5     of candidates for nomination or election to one or more offices or  
6     the ballot titles of one or more measures. The ballot card shall also  
7     contain proper blank spaces to allow the voter to write in names  
8     not printed on the ballot unless a separate write-in ballot is used.  
9     The separate write-in ballot may be a paper ballot, a card, or the  
10    envelope used to enclose a ballot card. Determination of the format  
11    of a separate write-in ballot shall be within the discretion of the  
12    elections board. The separate write-in ballot shall provide a blank  
13    space followed by the word “office” and a second blank space  
14    followed by the word “name” for purposes of facilitating write-in  
15    votes for offices for which write-in votes may be cast, or may  
16    provide a space for writing in the name followed by a space for  
17    punching or slotting in order that the vote may be tabulated. All  
18    separate write-in ballots may, in the discretion of the elections  
19    board, have attached thereto two stubs that comply with Section  
20    13261 regarding the stubs attached to a ballot card, except that the  
21    information required under subdivisions (c) to (g), inclusive, of  
22    Section 13261 and instructions to voters on how to vote for persons  
23    whose names do not appear on the ballot may be printed on the  
24    write-in ballot and not upon a stub. Any serial numbers appearing

on the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 13002 to 13006, inclusive, shall not apply to the preparation and composition of separate write-in ballots authorized by this section. Sections 14403 and 14404 shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used.

SEC. 2. Section 2130 of the Elections Code is amended to read:

2130. From moneys appropriated by the Legislature, the Controller shall allocate and disburse to the counties the amounts necessary to reimburse them for net costs incurred by them in complying with the voter registration provisions, including the provisions authorizing voter registration by mail and voter outreach programs, as set forth in Chapter 704 of the Statutes of 1975, as amended. The Secretary of State, in consultation with the Controller, shall develop a formula for the reimbursement of these costs. The Controller shall prescribe the forms for filing claims pursuant to this section. These claims shall be submitted to the Controller by February 15 in the year following the fiscal year in which the costs were incurred.

SEC. 3. Section 13007 of the Elections Code is repealed.

SEC. 4. Section 15281 of the Elections Code is amended to read:

15281. The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the result of the votes cast. The copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls. ~~In cases where fewer than 10 voters cast ballots on machines on which the results are tallied at the precinct and posting the results may violate a person's right to cast a secret ballot under Section 7 of Article II of the California Constitution~~ *To protect a person's right to cast a secret ballot under Section 7 of Article II of the California Constitution, in cases where fewer than 10 voters cast ballots and the precinct board tallies the results at the precinct, the precinct board shall post only the total number of people who voted at the precinct on machines that keep vote tallies.*

SEC. 5. Section 19370 of the Elections Code is amended to read:

19370. As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall

1 immediately lock the voting machine against voting and open the  
2 counting compartments, giving full view of all counter numbers.  
3 A board member shall, in the order of the offices as their titles are  
4 arranged on the machine, read and distinctly announce the name  
5 or designating number and letter on each counter for each  
6 candidate's name and the result as shown by the counter numbers.  
7 He or she shall also in the same manner announce the vote on each  
8 measure.

9 If the machine is provided with a recording device, in lieu of  
10 opening the counter compartment the precinct board shall proceed  
11 to operate the mechanism to produce the statement of return of  
12 votes cast record in a minimum of three copies, remove the  
13 irregular ballot, if any, record on the statement of return of votes  
14 cast record. The irregular ballot shall be attached to the statement  
15 of result record of votes cast for the machine and become a part  
16 thereof. One copy of the statement of return of votes cast for each  
17 machine shall be posted upon the outside wall of the precinct for  
18 all to see. ~~In To protect a person's right to cast a secret ballot~~  
19 ~~under Section 7 of Article II of the California Constitution, in cases~~  
20 ~~where fewer than 10 voters cast ballots on machines any single~~  
21 ~~machine on which the results are tallied at the precinct and posting~~  
22 ~~the results may violate a person's right to cast a secret ballot under~~  
23 ~~Section 7 of Article II of the California Constitution,, the precinct~~  
24 ~~board shall post only the total number of people who voted at that~~  
25 ~~precinct on machines that keep the machine that keeps vote tallies.~~  
26 The statement of return of votes cast for each machine for the  
27 precinct shall constitute the precinct statement of result of votes  
28 cast.

29 *SEC. 6. Section 19380 of the Elections Code is amended to*  
30 *read:*

31 19380. During the reading of the result of votes cast, any  
32 candidate or watcher who may desire to be present shall be  
33 admitted to the polling place. The proclamation of the result of the  
34 votes cast shall be distinctly announced by the precinct board who  
35 shall read the name of each candidate, or the designating number  
36 and letter of his or her counter, and the vote registered on the  
37 counter. The board shall also read the vote cast for and against  
38 each measure submitted. The board shall not count votes cast for  
39 write-in candidates, but shall have these counted by the elections  
40 official. During the proclamation ample opportunity shall be given

1 to any person lawfully present to compare the result so announced  
2 with the counter dials of the machine, and any necessary corrections  
3 shall then and there be made by the precinct board, after which  
4 the doors of the voting machine shall be closed and locked.

5 *To protect a person's right to cast a secret ballot under Section*  
6 *7 of Article II of the California Constitution, in cases where fewer*  
7 *than 10 votes are cast on any single machine on which the results*  
8 *are tallied at the precinct, the precinct board shall read only the*  
9 *total number of people who voted at the precinct on the machine*  
10 *that keeps vote tallies.*

11 If the machine is provided with a recording device, the alternate  
12 procedures in Section 19370 may be used.

13 ~~SEC. 6.~~

14 SEC. 7. Section 19384 of the Elections Code is amended to  
15 read:

16 19384. The precinct board shall, before it adjourns, post  
17 conspicuously on the outside of the polling place a copy of the  
18 result of the votes cast at the polling place. The copy of the result  
19 shall be signed by the members of the precinct board. ~~In~~ *To protect*  
20 *a person's right to cast a secret ballot under Section 7 of Article*  
21 *II of the California Constitution, in cases where fewer than 10*  
22 *voters cast ballots on machines any single machine on which the*  
23 *results are tallied at the precinct and posting the results may violate*  
24 *a person's right to cast a secret ballot under Section 7 of Article*  
25 *II of the California Constitution, the precinct board shall post only*  
26 *the total number of people who voted at that precinct on machines*  
27 *that keep the machine that keeps vote tallies.*

28 If the machine is provided with a recording device, the statement  
29 of result of votes cast produced by operating its mechanism may  
30 be considered the "result of the votes cast" at the polling place.